

## **REMARKS**

In further support of the claims presented and amendments thereof, Applicants submit the following remarks.

### **I. Status of the Claims**

Claims 1-20 were filed with patent application was filed as a Divisonal Patent Application claiming priority from Patent Application Serial No. 09/684,737 which was filed October 10, 2000. In the first Office Action, for which this communication is being submitted in response, Claims 1-15 stand rejected under 25 USC § 102(e) as being anticipated by Guthrie et al (US Patent 6,467,686), and Claims 16-20 stand rejected as being unpatentable over Guthrie et al. Applicant has amended claims 1, 6 and 14. Applicant now respectfully request reconsideration of his claims.

### **II. Applicants invention.**

Applicants' invention is embodied in methods and systems that enable the processing of economic credits through data networks for storage in and rendering utilizing servers (i.e., display or printing) and hand held devices using wireless communications. The hand held devices taught by applicants consisting of at least one of: a personal digital assistant (PDA), a mobile phone or paging device, or a combination thereof, adapted to enable a user to communicate through wireless communications networks, access the Internet, store and manage personal data including telephone numbers and calendars, and also adapted as a nonproprietary device for storing and managing negotiable economic credits. Processing of economic credits using the hand held devices taught by applicants can be achieved regardless and independent of continued communication of the hand held devices with wireless communication networks or servers.

### **III. Rejections Under 35 U.S.C. § 102(e)**

Claims 1-15 were rejected under 35 U.S.C. 102(e) as being anticipated by Guthrie et al. In order to sustain a rejection under 35 U.S.C. 102(e), a single prior art reference must teach each and every element of Applicants' claims. Applicants have amended claims 1, 6 and 14 to more accurately specify that the hand held devices they teach consisting of at least one of: a personal digital assistant (PDA), a mobile phone or paging device, or a combination thereof.

adapted to enable a user to communicate through wireless communications networks, access the Internet, store and manage personal data including telephone numbers and calendars, and also adapted as a nonproprietary device for storing and managing negotiable economic credits.

*Guthrie* does not teach a hand held device that is capable of more than simple coupon data processing. *Guthrie* only specifies that the hand held device is used for coupon transactions and that the hand held uses a cradle in order to connect to a point of sale or network for the transfer of or retrieval of coupons. *Guthrie* does not teach *wireless network communications*, despite a single mention of the cradle described therein being a "wireless device" in claims 8 and 22. It is clear that *Guthrie* only teaches a simple device used for the transfer of coupons from/to a server or network using a hand held and a cradle. The transfer of data between the hand held device and cradle can be wireless (see claims 8 and 22 of *Guthrie*), but *Guthrie et al* does not offer the ability or device for broader communications with wireless networks using hand held devices enabled as personal communicators (e.g., PDA, mobile phone, pager).

Applicants believe that the rejection of claim 1-15 is overcome by the amendment of claims 6 and 14. The rejection under *Guthrie et al* is believed traversed; therefore, Applicants respectfully request reconsideration of the claims.

#### **IV. Rejections Under 35 U.S.C. § 103(a)**

Claims 16-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Guthrie et al*. Applicants have amended claim 14 to more accurately specify that the hand held devices they teach consist of at least one of: a personal digital assistant (PDA), a mobile phone or paging device, or a combination thereof, adapted to enable a user to communicate through wireless communications networks, access the Internet, store and manage personal data including telephone numbers and calendars, and also adapted as a nonproprietary device for storing and managing negotiable economic credits.

M.P.E.P. §2143 requires the teaching or suggestion of all the claim limitations by the prior art reference (or references when combined) in order for a patent examiner to establish a *prima facie* case of obviousness. It follows that in the absence of such a *prima facie* showing of obviousness by the examiner (assuming there are no objections or other grounds for rejection), an applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443 (Fed. Cir. 1992). Thus, in order to support an obviousness rejection, the Examiner is obliged to produce evidence compelling a conclusion that each of the three aforementioned basic criteria has been met.

The specific sections of *Guthrie et al* cited by the examiner fail to teach or suggest key features of Applicant's invention as now more clearly specified in independent claim 14. In particular, there is no mention, hint or suggestion in *Guthrie et al* of the use of hand held devices consisting of at least one of: a personal digital assistant (PDA), a mobile phone or paging device, or a combination thereof, adapted to enable a user to communicate through wireless communications networks, access the Internet, store and manage personal data including telephone numbers and calendars, and also adapted as a nonproprietary device for storing and managing negotiable economic credits. Applicants believe the amendment of claim 14 overcomes *Gurthrie et al*, and therefore, the applicants respectfully request reconsideration of claims 16-20.

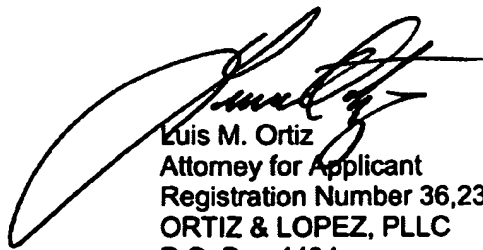
#### IV. Conclusion

Applicant has amended claims 1, 6, and 14 to place them in better form for allowance. It is believed that such amendments do not constitute new matter, but are rather clarifying in nature. Applicants has shown that his claimed invention is non-obvious relative to specific citations in the prior art. In view of the foregoing discussion, Applicant has responded to each and every rejection of the Official Action, and respectfully request that a timely Notice of Allowance be issued.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application.

Respectfully submitted,

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